

No. *R.D. # 4 June* Sessions, 1964

COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD,
husband and wife,

Plaintiffs

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendant

Filed 5-4-64

PETITION FOR APPOINTMENT
FOR BOARD OF VIEW

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE NO. 52 BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY PENNSYLVANIA

GILBERT E. CAROFF
ATTORNEY AT LAW
FISHER BUILDING
JOHNSTOWN, PA.

H. Earl Porter, Esq.
145 Franklin St.
Jellicott, Pa.

BERNARD J. GREENWOOD and	:	
ALICE A. GREENWOOD, husband	:	COURT OF QUARTER SESSIONS OF
and wife,	:	
	:	
Plaintiffs	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	No. Sessions, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA

PETITION FOR APPOINTMENT OF BOARD OF VIEW

TO THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

The petition of Bernard J. Greenwood and Alice A. Greenwood, husband and wife, respectfully represents:

1. Your petitioners, Bernard J. Greenwood and Alice A. Greenwood, husband and wife, are individuals residing at Mundy's Corner, Cambria County, Pennsylvania. Your petitioners are the owners of certain property in the Township of Jackson, Cambria County, Pennsylvania, bounded and described as follows:

ALL that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is North 88° 5' West a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, South 7° 10' West a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 North 80° 35' West a distance of 75 feet to a post in the center line of said old Route No. 22; thence

along other land of G. Howard Sloan North 8° East a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway South 88° 5' East a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

2. Your petitioners acquired the beneficial title to the said premises on the 15th day of November, 1956, by virtue of an Article of Agreement between G. Howard Sloan, single, and your petitioners, said Article of Agreement being unrecorded.

3. The defendant is a body corporate and politic created under the provisions of the Constitution and the Statutes of Pennsylvania and by virtue of said law, defendant is vested with the power to acquire by eminent domain any real property including improvements and fixtures for the purpose of maintaining, repairing and building roads in and about the Commonwealth.

4. Pursuant to the power conferred upon it, by law, and as authorized, the defendant has built a limited access highway, called Legislative Route 52 in Jackson Township and the right of way took a portion of petitioners' property as described above.

5. That defendant, on May 5, 1958, adopted a resolution and filed plans condemning the said property for purposes of using it as part of the road and right of way of the Legislative Route No. 52, as shown in State Highway Book No. 3, page 10, in the Recorder's Office of Cambria County, Pennsylvania.

6. That the occupants of the premises above described are your petitioners.

7. That the Commonwealth of Pennsylvania, Department of Highways, has actually constructed a highway as called for in the aforesaid plans and resolution of condemnation, and in so doing, appropriated a portion of your petitioner's property.

8. The liens of record on the property are as follows:

Balance of the purchase price under the Article of Agreement \$5,800.00

9. That your petitioners and the Commonwealth of Pennsylvania, Department of Highways, have been unable to agree upon the compensation to be made for the property condemned and appropriated by the Commonwealth of Pennsylvania, Department of Highways.

WHEREFORE, your petitioners therefore pray your Honorable Court to appoint three viewers in the manner prescribed by law, to ascertain a more just compensation to your petitioners for their property so condemned in accordance with the Act of Assembly in such case made and provided for, and they will ever pray.

Gilbert E. Caff

COUNTY OF CAMBRIA :
: ss.
STATE OF PENNSYLVANIA :

Before me a Notary Public in and for the above County and State personally appeared Bernard J. Greenwood and Alice A. Greenwood, who being duly sworn according to law, deposes and says that the facts contained in the foregoing petition are true and correct to the best of their knowledge, information and belief.

Bernard J. Greenwood
Alice A. Greenwood

Sworn to and subscribed before me this 29th day of April
A. D., 1964.

Edna P. Strayer
Notary Public
EDNA P. STRAYER, Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires May 3, 1965

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendant

COURT OF QUARTER SESSIONS OF

CAMBRIA COUNTY, PENNSYLVANIA

No.

Sessions, 1964

O R D E R

AND NOW, to wit, this 4 day of May
on motion of Helmut Caroff, Esq.
the Court appoints Robert E. Shabede, Theodore Hunt
and Robert S. Mayer as a Board of Viewers upon
the foregoing Petition and further orders that the Board of Viewers
perform its duty in accordance with the law and Acts of Assembly
in such case made and provided.

BY THE COURT:

Handwritten Signature
J.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

IDENTIFICATION NO.

INVOICE FOR
Acquisition of Right of Way
Direct and Indirect Costs

2—VENDOR

Date

November 25, 1964

DATE OF VENDOR'S INVOICE

November 9, 1964

REFERENCE NUMBER

56- 071131

VENDORS NAME AND ADDRESS

Stephen D. Oblackovich

Clerk of Courts, Dr.

Ebensburg, Penna.

District No.— 9-0

PREPARE THIS INVOICE IN QUINTUPPLICATE

ARTICLES

AMOUNT

Claim No. 1199999

For Breakdown of Costs- R.D. No. 4, June 1964 &
Petition for the Appointment of Board of View in
connection with the property of Bernard J. Green-
wood & Alice A. Greenwood, (Claim No. 1101938); on
Route 52-19, in Cambria County.

\$41.00

I certify that the services were actually rendered and that
the charges on this invoice are correct. Therefore, payment ap-
proved by or this payment agreed to.

Dist. Right of Way Engineer

I certify that the services were actually rendered and that
the charges on this invoice are correct. Therefore, payment ap-
proved by or this payment agreed to.

District Engineer

I certify that the services were actually rendered and that
the charges on this invoice are correct. Therefore, payment ap-
proved by or this payment agreed to.

Central Office Right of Way Engineer

COURT OF QUARTER SESSIONS OF
CAMERIA COUNTY, PENNSYLVANIA

NO. RD-4 June Session, 1964

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, Husband
and wife,

VS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Filed: July 14, 1964

VIEWS' REPORT

*Viewers' Report
Confirmed. Nisi.
July 14, 1964.*

*S. D. Olszewski
Clerk of Courts*

*Now August 14, 1964 & the
within report confirmed absolutely
By the Court
W. H. J.*

ROBERT E. SHAHADE
Attorney at Law
JOHNSTOWN, PA.

BERNARD J. GREENWOOD and	:	COURT OF QUARTER SESSIONS OF
ALICE A. GREENWOOD, husband	:	
and wife,	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
Plaintiffs	:	
	:	
vs	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	NO. RD-4 June Sessions, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendent	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON CAMBRIA COUNTY, PENNSYLVANIA

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

ROBERT E. SHAHADE, esquire, ROBERT MAYER, and THEODORE HUNT, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of BERNARD J. GREENWOOD and ALICE A. GREENWOOD, husband and wife, situate in Jackson Township, Cambria County, Pennsylvania, to assess damages arising from the taking of their property by the Department of Highways, Commonwealth of Pennsylvania, and to award compensation therefore, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on May 4, 1964, the Board of View set Friday, May 29, 1964 at 3:00p.m., E. D. S. T. as the time to view and inspect the premises owned by same Bernard J. Greenwood and Alice A. Greenwood. Due notice therefore was given to Attorney Gilbert E. Caroff attorney for the Petitioners, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the Department of Highways, Commonwealth of Pennsylvania by mail to Attorney Robert L. Blough, with acceptance of service of said notice hereto attached and made a part hereof. The Board of View thereafter met on the premises on May 29, 1964 and viewed said premises in the company of Attorney Robert L. Blough, representing the Department of Highways, Mr. William Huber, Right of Way Agent for the Department of Highways, Paul Washington, Real Estate Broker and Insurance Agent, serving as an appraiser for the

Department of Highways, and Attorney Gilbert E. Caroff, representing the Petitioners herein.

Thereafter the Board of View set Thursday, June 25, 1964 at 2:00 p.m., E. D. S. T. in the Judges Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania as the time and place for hearing. Due notice of this hearing was given to Attorney Gilbert E. Caroff, representing the Petitioners, and to Attorney Robert L. Blough on behalf of the Defendent, as shown by acceptance of service of said notice hereto attached and made a part hereof.

The hearing was held at the time and place appointed, and was attended by Robert L. Blough, Esquire, attorney for the Defendent, William Huber, Right of Way Agent for District 9, Department of Highways, Paul Washington, a Fee Appraiser for the Defendent, and by Gilbert E. Caroff, Esquire, representing the Petitioners.

Due notice was given to Attorney Robert L. Blough and to Attorney Gilbert E. Caroff of the Exhibiting of the Schedule of Award determined by your Board of View, with acceptance of service of said notice from both attorneys being attached hereto and made a part hereof.

Likewise, due notice of the filing of this report was given to the Petitioners through their attorney, Gilbert E. Caroff, Esquire, as shown by acceptance of service of said notice, and to the Defendent through its attorney, Robert L. Blough, Esquire, as shown by acceptance of service, both acceptances are hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this report.

The Board of View, further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that the Plaintiff filed a petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on May 4, 1964 requesting that viewers be appointed in the above captioned matter.

II. FINDINGS OF FACT

(1) That BERNARD J. GREENWOOD AND ALICE A. GREENWOOD, husband and wife, are the owners of the premises described as follows:

all that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg, to Mundy's Corner and thence to Pittsburgh, which point is north $88^{\circ} 5'$ west a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, south $7^{\circ} 10'$ west a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 north $80^{\circ} 35'$ west a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan north 8° east a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said highway south $88^{\circ} 5'$ east a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

No witnesses were called and no testimony was offered by either the Petitioners or the Defendant.

Counsel for both parties appeared before the Board of View and stipulated that there was in fact no taking of the Petitioners' property by virtue of a resolution of the Department of Highways, adopted on May 5, 1958, wherein plans were filed condemning certain properties for the purpose of using same as part of the road and right of way for Legislative Route 52, as shown in State Highway Book No. 3 at page 10, Cambria county, Pennsylvania. That actually the road and right of way fronting along the petitioners' property was acquired by the Defendant by condemnation on August 15, 1933, as shown on Highway Map 52-19. It further appeared that the prior owners of this property were compensated and the present petitioners were unaware of this fact.

III. OPINION

By virtue of the above stipulations the Board of View is of the unanimous opinion that the petitioners did not suffer a "Taking" of any portion of their property at the hands of the Department of Highways, Commonwealth of Pennsylvania, and hence have not sustained any loss or

damage, so as to entitle them to any compensation whatever from the Department of Highways, Commonwealth of Pennsylvania in any manner connected with the condemnation or acquisition of property incidental to the construction of Legislative Route No. 52, or as a result of the actual construction of Legislative Route No. 52.

CONCLUSION

The Board of View reports that after a full and impartial consideration of the stipulation entered into by the respective counsel for the Petitioners and the Defendant, no damages have been sustained by the present owners and occupants of said property at the hands of the Department of Highways, Commonwealth of Pennsylvania.

BERNARD J. GREENWOOD & ALICE A. GREENWOOD.....NO COMPENSATION

Respectfully submitted,

Robert E. Shahade

Robert Mayer

Theodore Hunt

BY


Chairman, Board of View

BERNARD J. GREENWOOD and	:	COURT OF QUARTER SESSIONS OF
ALICE A. GREENWOOD, husband	:	
and wife,	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
Plaintiffs	:	
	:	
vs	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	NO. RD-4 June Sessions, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON CAMBRIA COUNTY, PENNSYLVANIA

VIEWERS' NOTICE

TO: BERNARD J. GREENWOOD AND ALICE A. GREENWOOD, HUSBAND AND WIFE, PLAINTIFFS, BY THEIR ATTORNEY, GILBERT E. CAROFF, ESQUIRE, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We the undersigned Viewers appointed by the Court to view and inspect the land and premises owned by Bernard J. Greenwood and Alice A. Greenwood, husband and wife, to ascertain and award just compensation for the damage sustained by them through the taking of the property of the petitioners, do hereby give notice that they will meet on the premises on Friday, May 29, 1964 at 3:00 P.M. Eastern Daylight Savings Time, when and where all persons interested may appear if they so desire.

The premises to be viewed are:

All that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is north 88° 5' west a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of Beginning of the land hereby described; thence through land of G. Howard Sloan; south 7° 10' west a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 north 80° 35' west a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan north 8° east a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway south 88° 5' east a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

Petitioners acquired the beneficial title to said premises on November 15, 1956, by virtue of Article of Agreement between G. Howard Sloan, single, and the petitioners, said Article of Agreement being unrecorded.

BOARD OF VIEW

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

BY

Robert E. Shaha
Chairman, Board of View

AND NOW, this 14th day of May, 1964, I hereby accept service of the above notice.

Gilbert E. Cross
Attorney for Plaintiffs

BERNARD J. GREENWOOD and	:	COURT OF QUARTER SESSIONS OF
ALICE A. GREENWOOD, husband	:	
and wife,	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
Plaintiffs	:	
	:	
Vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	NO. RD-4 June Sessions, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA

VIEWERS' NOTICE

TO: BERNARD J. GREENWOOD AND ALICE A. GREENWOOD, HUSBAND AND WIFE, PLAINTIFFS, BY THEIR ATTORNEY, GILBERT E. CAROFF, ESQUIRE, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We the undersigned Viewers appointed by the Court to view and inspect the land and premises owned by Bernard J. Greenwood and Alice A. Greenwood, husband and wife, to ascertain and award just compensation for the damage sustained by them through the taking of the property of the petitioners, do hereby give notice that they will meet on the premises on Friday, May 29, 1964 at 3:00 P.M. Eastern Daylight Savings Time, when and where all persons interested may appear if they so desire.

The premises to be viewed are:

All that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is north 88° 5' west a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of Beginning of the land hereby described; thence through land of G. Howard Sloan, south 70° 10' west a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 north 80° 35' west a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan north 8° east a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway south 88° 5' east a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

Petitioners acquired the beneficial title to said premises on November 15, 1956, by virtue of Article of Agreement between G. Howard Sloan, single, and the petitioners, said Article of Agreement, being unrecorded.

BOARD OF VIEW

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

BY

Robert E. Shaha
Chairman, Board of View

AND NOW, this ^{14th} day of May, 1964, I hereby accept service of the above notice.

Robert L. Bough
Attorney for Defendant

BERNARD J. GREENWOOD and : IN THE COURT OF QUARTER SESSIONS
ALICE A. GREENWOOD, husband : OF
and wife, : CAMBRIA COUNTY, PENNSYLVANIA

Plaintiffs :

vs **i**

COMMONWEALTH OF PENNSYLVANIA, : NO. RD#4 June Session, 1964
DEPARTMENT OF HIGHWAYS, :

Defendant :

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE NO. 52 BY THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF HEARING

TO: BERNARD J. GREENWOOD, AND ALICE A. GREENWOOD, HUSBAND AND WIFE,
PLAINTIFFS, BY THEIR ATTORNEY, GILBERT E. CAROFF, ESQUIRE, AND TO THE
DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, HARRISBURG,
PENNSYLVANIA.

We, the undersigned Board of View hereby give notice that we have been appointed by the court as a Board of View in the above captioned matter, and that for the purpose of carrying out our duties, we will sit in Hearing in the Law Library, Park Building, 423 Main Street, Johnstown, Pennsylvania, at 2:00 P.M. , E. D. S. T., on Thursday, June 25, 1964, at which time testimony will be taken and heard to determine and ascertain the damage sustained by the petitioners, Bernard J. Greenwood and Alice A. Greenwood, Husband and Wife, and to award just compensation for said damages, if any there be.

Robert E. Shahade

Robert Mayer

Theodore Hunt

BY:

Chairman, Board of View

AND NOW, this 11th day of June, 1964, I hereby accept service of the above Notice of Hearing.

Attorney for Defendant

: IN THE COURT OF QUARTER SESSIONS
: OF
: CAMBRIA COUNTY, PENNSYLVANIA

●●

•

•

5

22

●●

•

8

1

1

1

1

EF

DM

3

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendent

COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-4 June Sessions, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF EXHIBIT

We, the undersigned hereby give notice that having been appointed by the Court as a Board of View in the above captioned matter, we will hold a meeting on Monday, July 13, 1964 at 11:00 a.m., E.D.S.T., in the Court House, Court Room #4, Ebensburg, Pennsylvania at which time we will Exhibit the Schedule of Award resulting from our viewing of the petitioners' premises and the hearing held on the above captioned matter.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY

Robert E. Shalade
Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service of the above Notice of Exhibit.

Robert D. Blough
Attorney for Defendent

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendent

COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-4 June Sessions, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF EXHIBIT

We, the undersigned hereby give notice that having been appointed by the Court as a Board of View in the above captioned matter, we will hold a meeting on Monday, July 13, 1964 at 11:00 a.m., E. D. S. T., in the Court House, Court Room #4, Ebensburg, Pennsylvania at which time we will Exhibit the Schedule of Award resulting from our viewing of the petitioners' premises and the hearing held on the above captioned matter.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY

Robert E. Shaha
Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service of the above Notice of Exhibit.

Gilbert E. Baff
Attorney for Petitioners

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendent

; COURT OF QUARTER SESSIONS OF
;
; CAMBRIA COUNTY, PENNSYLVANIA
;
;
;
;
;

NO. RD-4 June Sessions, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF FILING REPORT

Notice is hereby given that the undersigned Viewers will file
their report in the above matter in the Court of Quarter Sessions, of
Cambria County, Pennsylvania, on Tuesday, July 14, 1964.

You will have thirty (30) days from said date within which to
file exceptions to our report, if you so desire. If no exceptions are
filed thereto within said thirty (30) days our report will be confirmed
absolutely by the Court.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY

Robert E. Shahan
Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service
of the above Notice.

Robert H. Blough
Attorney for Defendent

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendent

COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-4 June Sessions, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF FILING REPORT

Notice is hereby given that the undersigned Viewers will file
their report in the above matter in the Court of Quarter Sessions, of
Cambria County, Pennsylvania, on Tuesday, July 14, 1964.

You will have thirty (30) days from said date within which to
file exceptions to our report, if you so desire. If no exceptions are
filed thereto within said thirty (30) days our Report will be confirmed
absolutely by the Court.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY


Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service
of the above Notice.


Attorney for Petitioners

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife;

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendant

: COURT OF QUARTER SESSIONS OF
:
: CAMBRIA COUNTY, PENNSYLVANIA
:
:
:

: NO. RD-4 June Sessions, 1964
:
:
:

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises comprising the subject of the above captioned matter, we the Board of View find the damages sustained by the owners of the property in this proceeding as follows:

BERNARD J. GREENWOOD & ALICE A. GREENWOOD *****NO CONSIDERATION

The Board of View has taken the above action in accordance with the stipulations of Counsel for both parties, as entered into the record at the hearing herein before held on Thursday, June 25, 1964 at 2:00 p.m. E. D. S. T. in the Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY

Robert E. Shahade
Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service of the above Schedule of Award.

Gilbert E. Brown
Attorney for Petitioners

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendent

COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-4 June Sessions, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises comprising the subject of the above captioned matter, we the Board of View find the damages sustained by the owners of the property in this proceeding as follows:

BERNARD J. GREENWOOD & ALICE A. GREENWOOD *****NO CONSIDERATION

The Board of View has taken the above action in accordance with the stipulations of Counsel for both parties, as entered into the records at the hearing herein before held on Thursday, June 25, 1964 at 2:00 p.m. E. D. S. T. in the Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY

Robert E. Shahade
Chairman, Board of View

AND NOW, this 2nd day of July, 1964, I hereby accept service of the above Schedule of Award.

Robert B. Blough
Attorney for Defendent

Commonwealth of Pennsylvania, }
County of Cambria } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 4th day of May A. D. 1964, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Legislative Route 52 road or highway, to lead from a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is North 88° 5' West a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, South 7° 10' West a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 North 80° 35' West a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan North 8° East a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway South 88° 5' East a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Robert E. Shahade, Theodore Hunt, ~~surveyors~~ and Robert S. Mayer

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Stephen D. Oblackhouse, Clerk

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. *R.D. 4 June* SESSIONS, 19*64*

Order to view IN THE MATTER OF THE

CONDEMNATION OF PETITIONERS' PROPERTY

FOR THE CONSTRUCTION OF LEGISLATIVE

ROUTE NO. 52 BY THE COMMONWEALTH OF

PENNSYLVANIA, DEPARTMENT OF HIGHWAYS

IN THE TOWNSHIP OF JACKSON, CAMBRIA

COUNTY PENNSYLVANIA

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

Viewers

Clerk

S. D. Ollendick
Clerk of Court

BERNARD J. GREENWOOD and	:	
ALICE A. GREENWOOD, husband	:	COURT OF QUARTER SESSIONS OF
and wife,	:	
	:	
Plaintiffs	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	No. Sessions, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS' PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE 52 BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA

PETITION FOR APPOINTMENT OF BOARD OF VIEW

TO THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

The petition of Bernard J. Greenwood and Alice A. Greenwood, husband and wife, respectfully represents:

1. Your petitioners, Bernard J. Greenwood and Alice A. Greenwood, husband and wife, are individuals residing at Mundy's Corner, Cambria County, Pennsylvania. Your petitioners are the owners of certain property in the Township of Jackson, Cambria County, Pennsylvania, bounded and described as follows:

ALL that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is North 88° 5' West a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, South 7° 10' West a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 North 80° 35' West a distance of 75 feet to a post in the center line of said old Route No. 22; thence

along other land of G. Howard Sloan North 8° East a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway South 88° 5' East a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Drq G. H. Sloan, July 20, 1955.

2. Your petitioners acquired the beneficial title to the said premises on the 15th day of November, 1956, by virtue of an Article of Agreement between G. Howard Sloan, single, and your petitioners, said Article of Agreement being *unrecorded*

3. The defendant is a body corporate and politic created under the provisions of the Constitution and the Statutes of Pennsylvania and by virtue of said law, defendant is vested with the power to acquire by eminent domain any real property including improvements and fixtures for the purpose of maintaining, repairing and building roads in and about the Commonwealth.

4. Pursuant to the power conferred upon it, by law, and as authorized, the defendant has built a limited access highway, called Legislative Route 52 in Jackson Township and the right of way took a portion of petitioners' property as described above.

5. That defendant, on May 5, 1958, adopted a resolution and filed plans condemning the said property for purposes of using it as part of the road and right of way of the Legislative Route No. 52, as shown in State Highway Book No. 3, page 10, in the Recorder's Office of Cambria County, Pennsylvania.

6. That the occupants of the premises above described are your petitioners.

7. That the Commonwealth of Pennsylvania, Department of Highways, has actually constructed a highway as called for in the aforesaid plans and resolution of condemnation, and in so doing, appropriated a portion of your petitioner's property.

8. The liens of record on the property are as follows:

Balance of the purchase price under the Article of Agreement \$5,800.00

9. That your petitioners and the Commonwealth of Pennsylvania, Department of Highways, have been unable to agree upon the compensation to be made for the property condemned and appropriated by the Commonwealth of Pennsylvania, Department of Highways.

WHEREFORE, your petitioners therefore pray your Honorable Court to appoint three viewers in the manner prescribed by law, to ascertain a more just compensation to your petitioners for their property so condemned in accordance with the Act of Assembly in such case made and provided for, and they will ever pray.

s/ Gilbert E. Caroff

COUNTY OF CAMBRIA :
: ss.
STATE OF PENNSYLVANIA :

Before me a Notary Public in and for the above County and State personally appeared Bernard J. Greenwood and Alice A. Greenwood, who being duly sworn according to law, deposes and says that the facts contained in the foregoing petition are true and correct to the best of their knowledge, information and belief.

Bernard J. Greenwood
Alice A. Greenwood

Sworn to and subscribed before me this 29th day of April
A. D., 1964.

Edna P. Strayer
Notary Public
EDNA P. STRAYER, Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires May 3, 1965

BERNARD J. GREENWOOD and
ALICE A. GREENWOOD, husband
and wife,

Plaintiffs

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,

Defendant

COURT OF QUARTER SESSIONS OF

CAMBERIA COUNTY, PENNSYLVANIA

No. *R.D. 4, June* Sessions, 1964

ORDER

AND NOW, to wit, this *4th* day of *May*
on motion of *Gilbert Caroff, Esq.*
the Court appoints *Robert E. Shubert Theodore Hunt*
and *Robert S. Mayer* as a Board of Viewers upon
the foregoing Petition and further orders that the Board of Viewers
perform its duty in accordance with the law and Acts of Assembly
in such case made and provided.

BY THE COURT:

S. J. MacDonald

CERTIFIED on this,

the *8th* day of *May*

A. D., 196*4*

Stephen D. Oblickovich
Clerk of Courts

Commonwealth of Pennsylvania, }
County of Cambria } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 4th day of May A. D. 19 64, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Legislative Route 52 road or highway, to lead from a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is North 88° 5' West a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, South 7° 10' West a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 North 80° 35' West a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan North 8° East a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway South 88° 5' East a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Robert E. Shahade, Theodore Hunt, ~~mayor~~ and Robert S.
Mayor

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

_____, Clerk

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NOV. 24, 1964
Quarter Sessions, 1964

Order to view

Viewers

Clerk